

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

**DOROTHY KING,
for herself and all Arkansas residents
similarly situated**

PLAINTIFF

v.

CASE NO: 3:14-CV-00183 BSM

**HOMEWARD RESIDENTIAL, INC. and
OCWEN LOAN SERVICING, LLC**

DEFENDANTS

ORDER

The motion for reconsideration [Doc. No. 120] submitted by defendants Homeward Residential Inc. (“Homeward”) and Ocwen Loan Servicing LLC (“Ocwen”) is denied because they have not demonstrated any manifest error of law or fact or presented newly discovered evidence. *See Frost v. Young*, No. 4:08CV01824 BSM, 2012 WL 299538, at *2 (E.D. Ark. Feb. 1, 2012) (citing *Arnold v. ADT Sec. Serv. ’s, Inc.*, 627 F.3d 716, 721 (8th Cir. 2010)).

For the filed rate doctrine to bar plaintiff Dorothy King’s¹ excessive rate claim, Homeward and Ocwen must show that the disputed force place insurance rates were filed and approved. *H.J. Inc. v. Nw. Bell Tel. Co.*, 954 F.2d 485, 488 (8th Cir. 1992) (internal punctuation omitted), *cert. denied*, 504 U.S. 957 (1992). The filing originally submitted to demonstrate this does not clearly demonstrate much of anything except that “[r]ates are

¹This case was filed by Savoil and Dorothy King on behalf of a potential class. Dorothy became the sole named plaintiff when Savoil passed away. *See Notice by All Plaintiffs of Death of Plaintiff Savoil King*, Doc. No. 147.

exempt from filing requirements.” Request for Judicial Notice, Doc. No. 24-1. Interestingly, Arkansas Code Annotated Section 23-67-206(a) states, “In a competitive market, property and casualty insurance for commercial risks, excluding worker’s compensation, employers’ liability, and professional liability insurance, including, but not limited to, medical malpractice insurance, are exempted from the rate filing and review provisions set forth in this chapter.” Thus, Homeward and Ocwen have not shown, and perhaps cannot show, that the Arkansas Insurance Department approved the rates at issue charged for force place insurance. Accordingly, reconsideration of the order issued on November 18, 2014, is denied because no error of law has manifest.

IT IS SO ORDERED this 24th day of May 2017.


UNITED STATES DISTRICT JUDGE